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SUBJECT: ECUADOR: CONSTITUENT ASSEMBLY PICKS UP THE PACE

REF: A) QUITO 223 B) QUITO 327 C) QUITO 324 D) QUITO
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Classified By: Deputy Chief of Mission Jefferson Brown for reasons 1.4
(b) and (d)

¶1. (SBU) Summary: During the last month, the Constituent Assembly managed to approve its first 17 constitutional articles, as well as a committee report on Colombia-Ecuador tensions and the alleged U.S. role in the March 1 attack. While President Correa, s Proud and Sovereign Fatherland movement (PAIS) showed the first real signs of internal divisions within the Assembly, Correa's frequent trips to meet with PAIS Assembly members have kept relative order among the ranks. At the same time, the Correa administration is already campaigning for the upcoming constitutional referendum and the subsequent elections. End summary.

¶2. (SBU) With a hectic schedule that includes more weekly sessions of the Assembly's plenary, Assembly President Alberto Acosta (PAIS) plans to meet the July 28 deadline for the production of a draft constitution, mandated by the Constituent Assembly statute, but has recognized that earlier completion is impossible. During its fifth month (March 29 - April 28), Assembly members managed to approve 17 articles for the draft constitution: five on territorial sovereignty, two on fundamental rights, and ten on electoral processes. 45 articles underwent a first plenary debate and 28 await plenary consideration. Assembly members have now approved two laws, seven mandates, and amnesties and pardons.

NEW AND IMPROVED ELECTORAL SYSTEM

¶3. (SBU) The constitutional articles on electoral processes create two institutions - replacing the current Supreme Electoral Tribunal. The National Electoral Council will be in charge of administering and organizing elections and developing regulations for electoral processes, while the Electoral Appeals Tribunal will resolve electoral disputes, determine the amount of sanctions, and apply sanctions.

¶4. (SBU) The need to reform the party quota-based mechanism for the selection of electoral authorities was a point of agreement between political forces across the ideological spectrum. The approved constitutional texts determine that the members of both agencies will be publicly selected on merit-based criteria, with gender equality guaranteed. The commission in charge of selecting members to both agencies will be chosen by lottery from all branches of the government and qualified private citizens.

AND JUSTICE FOR ALL

¶5. (SBU) The approved constitutional articles on fundamental

rights establish a set of principles for the application and interpretation of the basic rights of peoples and persons. They include language on equality and non-discrimination. Most notably, the article cites the principle of state responsibility, which establishes that state institutions are obliged to repair the damages to fundamental rights caused by the lack or the poor provision of services. The text also recognizes nature as having "rights." Additionally, the Constituent Assembly approved an open clause, which establishes that the recognition of the rights and guarantees established in the constitution and other international instruments does not preclude the guarantee of other fundamental rights not specifically mentioned.

¶6. (SBU) Other articles on fundamental rights were more problematic and have yet to be approved, although PAIS arrived at internal consensus. PAIS, unity was challenged when PAIS assembly members Rossana Queirolo and Diana Acosta separated from the official bloc over questions like abortion, gay marriage, and references to God in the constitution, delaying the approval of all articles on fundamental rights.

THIS LAND IS OUR LAND, IT IS NOT YOUR LAND

¶7. (SBU) The constitutional articles approved on territorial sovereignty establish the territorial limits, the capital, and the inviolability of Ecuadorian territory. Assembly members claimed that all non-renewable natural resources are initially state property. Foreign military bases or facilities with military purposes are forbidden, as well as the possibility to cede national military bases to foreign armed or security forces (Ref A).

AND THE WORK GOES ON

¶8. (SBU) The Assembly is currently working on three laws, four amnesties, more pardons, and the controversial mandates on labor reform, including third-party contracts (Ref C) and the judicial lottery for trials of those involved with banking scandals, which have languished the last eight years. In total, 258 articles are ready for consideration.

SOVEREIGNTY AND THE FARC

¶9. (C) On April 28, the plenary discussed the sovereignty committee's follow-up majority report on the Assembly's March 4 declaration condemning Colombia's bombing of a FARC camp on Ecuadorian soil. The document was signed by the 8 PAIS members of the committee, as led by Maria Augusta Calle - herself embroiled in controversy based on publicly aired alleged links to the FARC. In the plenary, Patriotic Society Party (PSP) Assembly members were the report's most vocal detractors, arguing that the report failed to investigate and clarify rumored links by GOE and or PAIS members to the FARC.

¶10. (C) In addition to providing an account of the events surrounding the bombing, the report refers to issues affecting U.S. interests (the U.S. is mentioned at least a dozen times). The report specifically mentions the need for Ecuador to move away from policies designed specifically to support USG security needs. Furthermore, it criticizes Plan Colombia on the basis of alleged negative results, mentioning the pending lawsuit against DYNCORP. It emphasizes the role of USG assistance in the "militarization" of Colombia, states that the Manta FOL "subordinates Ecuador's best interests to the strategic needs derived from Plan Colombia" and that the Government of Colombia is continuously attempting to drag Ecuador into its armed conflict.

¶11. (C) The Assembly members who signed the report stated that, given their suspicions that it was &very possible that U.S. intelligence supported the Colombian raid, the Manta FOL should be audited as soon as possible. They also supported the government's decision to create a military-civilian commission to investigate the CIA's alleged involvement in Ecuadorian domestic issues (Ref B). On April 29, Popular Democratic Movement (MPD) assembly member Abel Avila reported

on his Assembly web-blog that his bloc had presented a proposal for a mandate to terminate the Manta FOL lease immediately. Finally, the report gives the oft-maligned Ecuadorian Ministry of Foreign Affairs a morale-boost by praising their tireless efforts to resolve the tension.

¶12. (C) The PAIS bloc rejected the proposal of the opposition to create a commission to investigate potential links of GOE officials with the FARC. PSP assembly members Gilmar Gutierrez and Fausto Lupera traveled privately to Colombia and the United States to investigate the issue. On April 29, the Popular Democratic Movement (MPD) filed an official complaint against them with the Attorney General's Office, accusing them of treason. Sovereignty committee chair Calle was prominent among other Assembly members making the same charge.

OTHER BUSINESS

¶13. (SBU) The Assembly also passed measures in two key economic areas. The law on petroleum reserve funds (Ref C) closed the petroleum reserve funds and moved that financing on to the regular budget. A separate measure which canceled or suspended most mining concessions was also approved after it had been dormant for more than six months (Ref D). Its revival, particularly the six-month suspension of several lucrative concessions, was a surprise, since Correa had been arguing for the need to proceed with mining, and its passage reinforced that on certain environmentally-charged topics, Correa is forced to accommodate the environmental wing of his political movement, led by Assembly President Alberto Acosta.

PAIS ALREADY CAMPAIGNING

¶14. (SBU) On April 17, President Correa and Coordinating Minister for Politics Ricardo Patino (PAIS) met with 120 Mayors at the presidential palace to seek their support for the regime. One mayor told USAID that they were invited without disclosing the purpose of the meeting. It was widely speculated that the group's support was given with the expectation that PAIS will back their reelection. Patino is expected to be in charge of the process which will determine future candidates for electoral offices under the new constitution.

¶15. (SBU) Since the latest restructuring that placed Secretary of Administration and PAIS marketing expert Vinicio Alvarado at center stage in Correa's government, it has stepped up its activities aimed at shaping public opinion in preparation for the elections. The Saturday radio program "Talking to the President" - which has increasingly become a monologue about the government's achievements - is broadcast by 27 radio stations, two real-time web sites and the public TV channel.

¶16. (SBU) The government's propaganda has appeared during prime time through different media (radio, TV, etc.) Based on data provided by Infomedia, a weekly magazine reported on April 29 that the government spent \$7.9 million on publicity last year. There have been allegations that Secretary Alvarado is a shareholder of the private public relations companies hired by the government. In a move apparently aimed at facilitating official propaganda, Correa signed April 23 a decree which states that public transmissions paid for by the public sector to promote its actions or programs are not considered commercial publicity.

¶17. (SBU) The government's communications strategy appears to be working. A Cedatos opinion survey released on April 2 showed a 66 percent approval rating for President Correa. Though down from the 80 per cent approval rating for Correa's stance against Colombia registered on March 3, the poll demonstrates that Correa remains far more popular than the Constituent Assembly, which received a credibility rating of only 32 percent

COMMENT

¶18. (C) While controversial topics continue to test PAIS party discipline, especially social issues such as abortion and gay union, President Correa has managed to maintain his Assembly majority with frequent trips to meet with the government bloc, generating consensus among PAIS Assembly members. The regime's attention appears to be divided between pushing for faster adoption of constitutional language in the Constituent Assembly and gathering support for the referendum which will follow. PAIS, recent willingness to reach out to other parties in the Assembly, namely Pachakutick, MPD and the Democratic Left (ID), demonstrates that Correa may already be trying to build a bigger political tent in advance of the next round of elections. As for the various calls for investigations into aspects of Ecuadorian security policy, U.S. links, and the like, the Embassy has received no official communications about any such moves and it remains unclear what, if anything, may actually be formalized and launched.

Jewell